EXHIBIT 1

BURSOR & FISHER
P.A.

701 BRICKELL AVENUE
SUITE 1420
MIAMI, FL 33131
www.bursor.com

SARAH N. WESTCOT
Tel: 305.330.5512
Fax: 305.676.9006
swestcot@bursor.com

December 23, 2021

Via Certified Mail - Return Receipt Requested

Prestige Consumer Health Inc.
Attn: Legal Department
660 White Plains Rd., Suite 250
Tarrytown, NY 10591

Re: Notice and Demand Letter Pursuant to U.C.C. § 2-607;
New York Gen. Bus. Law §§ 349 and 350;
Fla. Sta. §§ 501.201, et seq.;
and all other relevant state and local laws

To Whom It May Concern:

This letter serves as a preliminary notice and demand for corrective action by Prestige Consumer Health Inc. ("Prestige" or "You") pursuant to U.C.C. § 2-607(3)(a) concerning breaches of express and implied warranties – and violations of state consumer protection laws, including but not limited to New York General Business Law ("GBL") §§ 349 and 350 and the Florida Deceptive and Unfair Trade Practices Act ("FDUTPA"), Fla. Sta. §§ 501.201, *et seq.* – related to our client, Dawn Van der Steeg, and a class of all similarly situated purchasers (the "Class") of defective and falsely labeled Tag antiperspirant products manufactured and sold by You.

In or about May 2021, our client purchased a canister of deodorant labeled as "Summer's Eve Ultra Freshening Spray, 5in1" (the "Summer's Eve Product") in Florida. The Summer's Eve Product was manufactured by You in New Jersey and sold by You in New York and across the United States. Our client's Summer's Eve Product was defective in that they contained elevated levels of Benzene, a carcinogenic and toxic chemical impurity that has been linked to leukemia and other cancers. On November 3, 2021, Valisure, an online pharmacy registered with the FDA, "detected high levels of benzene and other contaminants in specific batches of body spray products, some of which contain active pharmaceutical ingredients aluminum chlorohydrate or aluminum sesquichlorohydrate."[1] This included the Summer's Eve Product

[1] VALISURE, VALISURE CITIZEN PETITION ON BENZENE IN BODY SPRAY PRODUCTS, Nov. 3, 2021, https://www.valisure.com/wp-content/uploads/Valisure-FDA-Citizen-Petition-on-Body-Spray-v4.0-3.pdf (the "Valisure Petition"), at 1.

manufactured by You, which contained as much as 1.89 parts per million of Benzene.[2] Notably, the presence of Benzene in the Summer's Eve Product is avoidable, meaning the Summer's Eve Product could have been manufactured without Benzene. There is no reason Benzene should be present in the Summer's Eve Product and there is no acceptable level of Benzene in the Summer's Eve Product.

In short, the Summer's Eve Product that our client and the Class purchased is worthless, as it contains Benzene, rendering it adulterated, misbranded, unusable, and unfit for humans. *See* 21 U.S.C. §§ 331(a), 352, 740.1(a); *see also Debernardis v. IQ Formulations, LLC*, 942 F.3d 1076, 1085 (11th Cir. 2019); *In re Valsartan, Losartan, & Irbesartan Prod. Liab. Litig.,* 2021 WL 222776, at *16 (D.N.J. Jan. 22, 2021). You violated express and implied warranties made to our client and the Class regarding the quality and safety of the Summer's Eve Product they purchased. *See* U.C.C. §§ 2-313, 2-314.

This letter also serves as notice of violation of GBL §§ 349 and 350, and all other relevant state and local laws. You violated GBL §§ 349 and 350 by failing to disclose that the Summer's Eve Product contained elevated levels of Benzene, rendering the Summer's Eve Product adulterated, misbranded, unusable, and unfit for human use. You also violated GBL §§ 349 and 350 by selling an adulterated and misbranded product in violation of the Food, Drugs, and Cosmetics Act. Based on these violations, our client and members of the Class are entitled to statutory damages in the amount of $550 per violation.

This letter also serves as notice of violation of the FDUTPA, Fla. Sta. §§ 501.201, *et seq.*, and all other relevant state and local laws. You violated FDUTPA by failing to disclose that the Summer's Eve Product contained elevated levels of Benzene, rendering the Summer's Eve Product unsafe for human use. You also violated the FDUTPA by selling an adulterated and misbranded product in violation of the Food, Drugs, and Cosmetics Act.

On behalf of our client and the Class, we hereby demand that You immediately (1) cease and desist from continuing to sell the defective Summer's Eve Product, and (2) make full restitution to all purchasers of the defective and falsely labeled Summer's Eve Product of all purchase money obtained from sales thereof.

We also demand that You preserve all documents and other evidence which refers or relates to any of the above-described practices including, but not limited to, the following:

1. All documents concerning the packaging, labeling, and manufacturing process for Your Summer's Eve Product;

2. All documents concerning the design, development, supply, production, extraction, and/or testing of the Summer's Eve Product manufactured by You;

[2] *Id.* at 13-14.

3. All tests of the Summer's Eve Product manufactured by You;

4. All documents concerning the pricing, advertising, marketing, and/or sale of the Summer's Eve Product manufactured by You;

5. All communications with customers involving complaints or comments concerning the Summer's Eve Product manufactured by You;

6. All documents concerning communications with any retailer involved in the marketing or sale of the Summer's Eve Product manufactured by You;

7. All documents concerning communications with federal or state regulators; and

8. All documents concerning the total revenue derived from sales of the Summer's Eve Product.

If you contend that any statement in this letter is inaccurate in any respect, please provide us with your contentions and supporting documents immediately upon receipt of this letter.

Please contact me right away if you wish to discuss an appropriate way to remedy this matter. If I do not hear from you promptly, I will take that as an indication that you are not interested in doing so.

Very truly yours,

Sarah N. Westcot